
By: Senators Pica and Van Hollen

Introduced and read first time: January 11, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Pornography - Computers**

3 FOR the purpose of prohibiting a person from using a computer to compile, enter, print,
4 publish, reproduce, buy, sell, exchange, transmit, disseminate, or advertise certain
5 data relating to minors for the purpose of facilitating, encouraging, offering, or
6 soliciting certain sexual conduct of or with any minor by means of a computer;
7 prohibiting certain computer generated depictions of certain conduct of or with a
8 minor; and generally relating to computers and child pornography.

9 BY repealing and reenacting, with amendments,
10 Article 27 - Crimes and Punishments
11 Section 419A
12 Annotated Code of Maryland
13 (1992 Replacement Volume and 1995 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 27 - Crimes and Punishments**

17 419A.

18 (a) In this section "minor" means an individual under 18 years of age.

19 (b) Every person who solicits, causes, induces, or knowingly permits a minor to
20 engage as a subject in the production of any obscene matter or any visual representation
21 or performance that depicts a minor engaged as a subject in sexual conduct as defined in
22 [§ 416A(d)] § 416A of this article[,] is subject to the penalty provided in subsection
23 [(e)] (F) of this section.

24 (c) Every person who photographs [or], films, OR BY MEANS OF COMPUTER
25 DEPICTS OR DESCRIBES a minor engaging in an obscene act or engaging in sexual
26 conduct as defined in § 416A of this article is subject to the penalty provided in subsection
27 [(e)] (F) of this section.

28 (d) Every person who knowingly promotes, distributes, or possesses with intent to
29 distribute any matter or other visual representation or performance that depicts a minor

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1 engaged as a subject in sexual conduct, as defined in § 416A of this article, is subject to
2 the penalty provided in subsection [(e)] (F) of this section.

3 (E) EVERY PERSON WHO, BY MEANS OF COMPUTER, KNOWINGLY COMPILES,
4 ENTERS, TRANSMITS, MAKES, PRINTS, PUBLISHES, REPRODUCES, CAUSES, ALLOWS,
5 BUYS, SELLS, RECEIVES, EXCHANGES, OR DISSEMINATES ANY NOTICE, STATEMENT,
6 ADVERTISEMENT, OR MINOR'S NAME, TELEPHONE NUMBER, PLACE OF RESIDENCE,
7 PHYSICAL CHARACTERISTICS, OR OTHER DESCRIPTIVE OR IDENTIFYING
8 INFORMATION FOR THE PURPOSE OF ENGAGING, FACILITATING, ENCOURAGING,
9 OFFERING, OR SOLICITING SEXUAL CONDUCT AS DEFINED IN § 416A OF THIS
10 ARTICLE OF OR WITH ANY MINOR IS SUBJECT TO THE PENALTY PROVIDED IN
11 SUBSECTION (F) OF THIS SECTION.

12 [(e)] (F) (1) Every person who violates the provisions of this section is guilty of
13 a felony and upon conviction shall be fined not more than \$25,000 or imprisoned for 10
14 years, or both in the discretion of the court.

15 (2) A person who is convicted of a subsequent violation of this section is
16 subject to a fine not exceeding \$50,000 or imprisonment not exceeding 20 years, or both in
17 the discretion of the court.

18 [(f)] (G) (1) In any action brought under this section, where the minor's
19 identity is unknown or where the minor is outside the jurisdiction, the State's Attorney is
20 not required to identify or produce testimony from the minor who is depicted in the
21 obscene matter or in any visual representation or performance that depicts the minor
22 engaged as a subject in sexual conduct as defined in § 416A of this article.

23 (2) The court or jury may determine whether an individual who is depicted
24 in any obscene matter, or any visual representation or performance as the subject in
25 sexual conduct as defined in § 416A of this article, was a minor by observation of the
26 matter depicting the individual, oral testimony by a witness to the production of the
27 matter, expert medical testimony, or any other method authorized by an applicable
28 provision of law or rule of evidence.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 1996.